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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,631	11/28/2001	Hideyuki Matsushima	05711.0131	• 7707

7590 09/02/2004

Finnegan, Henderson, Farabow,
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Washington, DC 20005-3315

EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,631

Applicant(s)

MATSUSHIMA ET AL.

Examiner

Andre' L. Jackson

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llw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 22, 2004 has been entered.

Claim Objections

Claim 12 is objected to because of the following informalities: In line 8, change "hold portion" to -- the hole portion --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 3,751,770 to Italiano. Italiano discloses a closure for garments comprising a plurality of pairs of snap elements (10, 12) capable of engaging with or disengaging from each other in an opposing direction, wherein one snap element (10) of each of the plurality of pairs of the snap elements has an engaging head (24) provided protrudably on a respective base plate (14), while the other

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snap element (12) of each of the plurality of pairs of the snap elements has an engaging hole portion (30, 34) provided in a respective base plate (18), wherein each engaging head is capable of being engaged with each of the engaging hole portion; wherein a tape (A, B) is attached to a base portion of each base plate via threading attachment holes (38) of a base portion (28, 22) thereof; wherein at least one of the snap elements of each of the plurality of pairs of the snap elements has a grip portion (defined by closure end 18a as seen in Fig. 3) while the other snap element of each of the plurality of pairs of the snap elements has a receiving portion (26) capable of making contact with the base portion of the one snap element having a grip portion; and wherein the base portions of the base plates of each of the plurality of pairs of snap elements are attached on a pair of tapes at a predetermined interval (14b, 18b) in a longitudinal direction of the tapes such that they oppose each other.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12-17 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,438,811 to Watanabe. Watanabe (Figs. 14-16) disclose a snap fastener assembly comprising a plurality of pairs of snap elements (1, 2) capable of engaging with or disengaging from each other in an opposing direction, wherein one snap element (2) of each of the plurality of pairs of the snap elements has an engaging head (29) provided protrudably on a respective base plate (8), while the other snap element (1) of each of the plurality of pairs of the snap elements has an engaging hole portion (34) provided in a respective base plate (8), wherein each engaging head is capable of being engaged with each of the engaging hole portion; wherein a tape (3) is attached

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to a base portion of each base plate; wherein at least one of the snap elements of each of the plurality of pairs of the snap elements has a grip portion (33) while the other snap element of each of the plurality of pairs of the snap elements has a receiving portion (defined by the outward extending portion of the base plate of snap element 2) capable of making contact with the base portion of the one snap element having a grip portion; and wherein the base portions of the base plates of each of the plurality of pairs of snap elements are attached on a pair of tapes (3, 3) at a predetermined interval in a longitudinal direction of the tapes such that they oppose each other.

As to claims 13 and 14, as seen in Fig. 15, the grip portion is disposed on the female snap element and formed to protrude outward beyond an end of the male snap element when engaged. The female snap element's base portion has a portion protruded from an end to form an inverted L-shape which accommodates the tongue-like or outward extending portion of the base plate of the male snap element.

As to claims 16, 17, the snap elements are of a thermoplastic resin and the base plates are molded and attached onto the tapes (col. 5, lines 27-42).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of USPN 6,076,237 to Goorhouse. Watanabe discloses all the limitations of the above claim except Watanabe does not disclose or suggest one of the snap elements including an attaching plate on the base plate having insertion holes through which the tape is inserted. Goorhouse teaches a connector assembly including snap elements having attachment plates defining through holes attachable to strap members or tape member. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the snap fastener assembly of Watanabe to include the attachment plate as taught by Goorhouse to provide a an enhanced snap fastener assembly including an adjustment feature, where positioning engagement to a tape member can be performed anywhere along its length to a desired tension.

Response to Applicant's Arguments

Applicant's arguments with respect to claims 12-19 and 21 have been considered but are moot in view of the new ground(s) of rejection. Accordingly, Italiano and Watanabe have been cited which more clearly meet the limitations of applicant's amended claims. Claims 12-19 and 21 are found to be unpatentable over Italiano, Watanabe and Watanabe in view of Goorhouse.

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Conclusion

Additional references are cited on the PTO 892 form but were not used to determine patentability of this application; these references are cited to show relevant prior art snap fastener assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (703) 306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ



ROBERT J. SANDY
PRIMARY EXAMINER